



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Raleigh ES Field Office

Post Office Box 33726

Raleigh, North Carolina 27636-3726

February 21, 2019

Mr. Scott C. McLendon  
Chief, Regulatory Division  
Wilmington District, Corps of Engineers  
69 Darlington Avenue  
Wilmington, NC 28403-1343

Subject: Town of Topsail Beach: Topsail Beach BIS Program 2018  
Corps Action ID No. SAW-2013-00404  
USFWS Log No. 04EN2000-2019-F-0055

Dear Mr. McLendon:

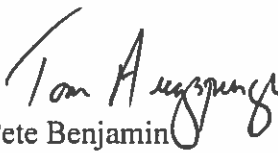
This document transmits the U.S. Fish and Wildlife Service's (Service) biological opinion based on our review of the proposed dredging and sand placement project in the Town of Topsail Beach, Pender County, NC, and its effects on piping plover (*Charadrius melodus melodus*), red knot (*Calidris canutus rufa*), seabeach amaranth (*Amaranthus pumilus*), West Indian manatee (*Trichechus manatus*), leatherback sea turtle (*Dermochelys coriacea*), Kemp's ridley sea turtle (*Lepidochelys kempi*), hawksbill sea turtle (*Eretmochelys imbricata*), the Northwest Atlantic loggerhead sea turtle population (*Caretta caretta*), the North Atlantic Ocean green sea turtle population (*Chelonia mydas*), wintering critical habitat for piping plovers, and terrestrial critical habitat for loggerhead sea turtles, in accordance with section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Your October 15, 2018 request for formal consultation was received on October 15, 2018, and the final revised biological assessment (BA) was received on August 24, 2018.

This biological opinion is based on information provided in the August 2018 BA, the March 30, 2018 public notice, scoping meetings on April 28, 2017 and May 10, 2018, and other sources of information. A complete administrative record of this consultation is on file at the Service's Raleigh Field Office. The Service has assigned Log number 04EN2000-2019-F-0055 to this consultation.

The Service concurs with the U.S. Army Corps of Engineers (Corps) determination of not likely to adversely affect for the West Indian manatee, leatherback sea turtle, and hawksbill sea turtle. The basis for concurrence was provided in our letter dated October 16, 2018.

The Service appreciates the cooperation of the Corps during this consultation. We would like to continue working with you and your staff regarding this project. Please note that issuance of the biological opinion does not limit the Service's ability to provide comments on any future public notices concerning this project. For further coordination please contact Kathy Matthews at (919) 856-4520, ext. 27. In future correspondence concerning the project, please reference FWS Log No. 04EN2000-2019-F-0055.

Sincerely,

*for*   
Pete Benjamin  
Field Supervisor

cc: USFWS, Jacksonville, FL (Ann Marie Lauritsen) (via email)  
USFWS, Hadley, MA (Anne Hecht) (via email)  
USFWS, Pleasantville, NJ (Wendy Walsh) (via email)  
NMFS, Pivers Island (via email)  
NMFS, St. Peterburg, FL  
NCD CM, Morehead City, NC  
NCWRC, Washington, NC (Maria Dunn)  
Town of Topsail Beach